

AMENDED IN ASSEMBLY APRIL 10, 2003

CALIFORNIA LEGISLATURE—2003–04 REGULAR SESSION

ASSEMBLY BILL

No. 909

Introduced by Assembly Member Reyes

February 20, 2003

An act to add Section ~~2886.5~~ 2898 to the Public Utilities Code, relating to telecommunications.

LEGISLATIVE COUNSEL'S DIGEST

AB 909, as amended, Reyes. Telecommunications: ~~mobile telephony services; resellers.~~

~~(1) Under existing federal law, the Federal Communications Commission (FCC) licenses providers of commercial mobile radio service, including providers of cellular radiotelephone service, broadband Personal Communications Services (PCS), and digital Specialized Mobile Radio (SMR) services. The FCC prohibits providers of cellular radiotelephone services, broadband PCS services, and digital SMR from unreasonably restricting resale of their services.~~

Existing law empowers the Public Utilities Commission to regulate telecommunications services and rates of telephone corporations, except to the extent regulation of commercial mobile radio service is preempted by federal regulation, and to require telephone corporations to provide customer services. *The Telecommunications Customer Service Act of 1993 requires the commission to require telephone corporations to provide certain customer services to telecommunications customers, and authorizes the commission to require telephone corporations to provide additional services.*

This bill would require ~~the Public Utilities Commission to adopt rules to require that resellers of cellular radiotelephone services, broadband PCS services, and digital SMR services, comply with the service policies of the cellular radiotelephone, broadband PCS, or digital SMR services provider~~ *that every incumbent local exchange carrier and competitive local exchange carrier provide customers electing to purchase a service package for both local and long-distance service, a breakdown separately showing charges for local and long-distance services, as part of their regular billings.* Because violation of an order, decision, rule, direction, demand, or requirement of the commission is a crime under existing law, the bill would impose a state-mandated local program by creating a new crime.

~~(2) The~~

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: yes.

The people of the State of California do enact as follows:

1 ~~SECTION 1.—Section 2886.5 is added to the Public Utilities~~
2 ~~Code, to read:~~
3 ~~2886.5.—(a) The commission shall adopt rules to require~~
4 ~~resellers of mobile telephony services to comply with the service~~
5 ~~policies of the mobile telephony services provider.~~
6 ~~(b) For purposes of this section:~~
7 ~~(1) “Mobile telephony services” means commercially~~
8 ~~available interconnected mobile phone services that provide~~
9 ~~access to the public switched telephone network (PSTN) via~~
10 ~~mobile communication devices employing radiowave technology~~
11 ~~to transmit calls, including cellular radiotelephone, broadband~~
12 ~~Personal Communications Services (PCS), and digital Specialized~~
13 ~~Mobile Radio (SMR). “Mobile telephony services” does not~~
14 ~~include mobile satellite services or mobile data services used~~
15 ~~exclusively for the delivery of nonvoice information to a mobile~~
16 ~~device.~~

1 ~~(2) “Reseller” means a person offering mobile telephony~~
2 ~~services for resale, including a person that purchases airtime at~~
3 ~~wholesale rates and resells that airtime at retail prices.~~

4 ~~SEC. 2.—~~

5 *SECTION 1. The Legislature finds and declares all of the*
6 *following:*

7 *(a) The telecommunications industry is evolving towards*
8 *offering to consumers various package options, which include*
9 *local, regional, and long-distance service.*

10 *(b) Consumers have a right to make intelligent and informed*
11 *decisions relative to what telecommunications services they wish*
12 *to purchase.*

13 *(c) Consumers are able to make intelligent and informed*
14 *decisions relative to what telecommunications services they wish*
15 *to purchase, only when they are able to determine how much they*
16 *are being charged for local and long distance calling.*

17 *SEC. 2. Section 2898 is added to the Public Utilities Code, to*
18 *read:*

19 *2898. Every incumbent local exchange carrier and*
20 *competitive local exchange carrier shall provide, to customers*
21 *electing to purchase any service package that includes both local*
22 *and long-distance service, a breakdown separately showing*
23 *charges for local and long-distance services, as part of their*
24 *regular billings.*

25 *SEC. 3. No reimbursement is required by this act pursuant to*
26 *Section 6 of Article XIII B of the California Constitution because*
27 *the only costs that may be incurred by a local agency or school*
28 *district will be incurred because this act creates a new crime or*
29 *infraction, eliminates a crime or infraction, or changes the penalty*
30 *for a crime or infraction, within the meaning of Section 17556 of*
31 *the Government Code, or changes the definition of a crime within*
32 *the meaning of Section 6 of Article XIII B of the California*
33 *Constitution.*